

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Marc Amouri Bakambia,

Case No. 24-cv-3653 (JMB/JFD)

Plaintiff,

v.

**ORDER AND
REPORT AND RECOMMENDATION**

Genet Ghebre, Paul Schnell, Jeanne Anderson,
Miranda R. Cerney, Stephen Craane, Louis
Shicker, Lawrence Lorbriecki, Kathy Reid,
Amber Swanson, Steve Renstrom, William
Bolin, Eric Hennen, Michael Warner, K.
Hammer, Gary, Tony, Bestgen, Olivers,
Angela Grooms, Christine, Christian Dobratz,
Director of Nursing, and Associate Director of
Nursing,

Defendants.

This matter is before the Court on Plaintiff Marc Amouri Bakambia's Application to Proceed in District Court Without Prepaying Fees or Costs (ECF No. 2) ("IFP Application") and his letter to the Court filed on October 8, 2024 (ECF No. 6). Mr. Bakambia has paid the initial partial filing fee pursuant to 28 U.S.C. § 1915(b) (ECF No. 7) and the Court grants his IFP Application.

Mr. Bakambia's letter to the Court includes, among other things, a request that the Court disregard his claims against Defendant Lawrence Lorbriecki. (*See* ECF No. 6.) The Court further observes that the Complaint does not appear to seek any remedy tied to Dr. Lorbriecki. (*See* ECF No. 1 at 1, 36-48.) The Court therefore recommends that Dr. Lobriecki be dismissed from this action.

ORDER

Based on the foregoing, and on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. The application to proceed *in forma pauperis* of Plaintiff Marc Amouri Bakambia (ECF No. 2) is **GRANTED**.
2. Mr. Bakambia must submit a properly completed Marshal Service Form (Form USM-285) for each defendant. The Court will recommend dismissing this matter without prejudice for failure to prosecute if Mr. Bakambia does not return the forms within 30 days of this Order's date. The Court will provide Mr. Bakambia with the necessary forms.
3. After receiving the completed Marshal Service Forms, the Clerk of Court shall seek waivers of service from Defendants Genet Ghebre, Paul Schnell, Jeanne Anderson, Miranda R. Cerney, Stephen Craane, Louis Shicker, Kathy Reid, Amber Swanson, Steve Renstrom, William Bolin, Eric Hennen, Michael Warner, K. Hammer, Gary, Tony, Bestgen, Olivers, Angela Grooms, Christine, Christian Dobratz, Director of Nursing, and Associate Director of Nursing—all in their individual capacities—as required by Rule 4(d) of the Federal Rules of Civil Procedure.
4. If a defendant sued in his or her individual capacity fails without good cause to sign and return a waiver within 30 days of its mailing, the Court will require that defendant to pay the expenses incurred in effecting service. Reimbursement of service costs is mandatory absent a showing of good cause and applies whenever a defendant does not sign and return a waiver. *See* Fed. R. Civ. P. 4(d)(2).
5. The U.S. Marshals Service is directed to effect service of process on Defendants Genet Ghebre, Paul Schnell, Jeanne Anderson, Miranda R. Cerney, Stephen Craane, Louis

Shicker, Kathy Reid, Amber Swanson, Steve Renstrom, William Bolin, Eric Hennen, Michael Warner, K. Hammer, Gary, Tony, Bestgen, Olivers, Angela Grooms, Christine, Christian Dobratz, Director of Nursing, and Associate Director of Nursing—each in their official capacities with the State of Minnesota—as required by Rule 4(j)(2) of the Federal Rules of Civil Procedure.

6. Mr. Bakambia must pay the remaining balance of this action’s statutory filing fee—currently \$284.47—as required by 28 U.S.C. § 1915(b)(2). The Clerk of Court shall notify the authorities at Mr. Bakambia’s institution of confinement of this obligation.

RECOMMENDATION

Based on the foregoing, and on all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that Defendant Lawrence Lorbrieki be **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a)(2).

Dated: November 19, 2024

s/ Dulce J. Foster

DULCE J. FOSTER

United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).